REMARKS/ARGUMENTS

Reconsideration of the application as amended is respectfully requested. Claims 1-20 have been canceled. New claims 21-47 have been added. More specifically, claims 13 and 16 are canceled for the reason presented below, claims 22-23, 30, 38-39, 41, and 46 are new, claims 1-12, 14-15, and 17-20 are amended and represented in new claims 21, 24-29, 31-37, 40, 42-45, and 47. After the amendments, multiple dependent claims have been re-written in dependent claim format. No new matter has been added by virtue of the amendments to the new claims. Support for the amended and new claims can be found in the specification, as described in detail below.

I. Information Disclosure Statement

The Examiner stated that two references cited in the IDS forms were not considered as failing to comply with the requirements of 37 CFR 1.97 and 37 CFR 1.98. Applicants acknowledge that one item (with the accession number Q9ZNT0) did not identify the place of publication; the other item (COXON, Angela et al) did not identify the date. Applicants hereby resubmit the two items with the correction. Applicants would like to point out that due to the space limitation in the 1449 form, Applicants used partial title for the Angela Coxon et al. reference. Applicants respectfully request these two items be considered by the Office.

II. Rejections under 35U.S.C. §112, first paragraph- written description requirement

The Examiner rejected claims 3-10, 13-16, and 19-20 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner stated that the specification describes polynucleotide of SEQ ID NO:5 encoding for a polypeptide of SEQ ID NO:8, and transgenic plants transformed with a construct comprising SEQ ID NO:5 operably linked to a promoter in a sense orientation, said transgenic plants having increased drought stress as compared to nontransgenic wild type plants. However, the Examiner asserted that the specification does not describe other isolated nucleic acids that hybridize under the recited stringency conditions to SEQ ID NO:5, or other isolated nucleic acids that encode a polypeptide having at least 90% sequence identity with SEQ ID NO:8. Applicants would like to direct Examiner's attention to page 10, wherein it is disclosed in paragraph [0036] that "the nucleotide sequences determined from the cloning of the PKSRP genes from *P. patens* allow for

the generation of probes and primers designed for use in identifying and/or cloning CCSRP homologs in other cell types and organism as well as CCSRP homologs from other mosses and related species," and also in paragraph [0034] of page 9 it is stated that a nucleic acid molecule of the present invention can be isolated using standard molecular biology techniques and the sequence information provided in the specification. Any person skilled in the art would know how to use the sequence information disclosed in the specification, e.g., the nucleotide sequence of SEQ ID NO:5, to design primers or probes to isolate a nucleic acid, and it is also well known in the art to sequence the isolated nucleic acid and perform the sequence homology analysis to determine if the isolated nucleic acid has at least 90% sequence identity to SEQ ID NO:5, or encoding a polypeptide having at least 90% sequence identity to SEQ ID NO:8. As disclosed in paragraphs [0046] and [0047] of page 14 and paragraph [0051] of page 15, the determination of percent homology is described. Further, the specification discloses in paragraph [0048] of page 14 that an isolated nucleic acid molecule of the invention comprises a nucleotide sequence which is more preferably at least about 80-90% or 90-95% homologous to SEQ ID NO:5, and also in paragraph [0047] of page 14 and paragraph [0057] of page 18 it is disclosed that the amino acid sequences included in the present invention are more preferably at least about 80-90% or 90-95% homologous to an entire amino acid sequence shown in SEQ ID NO:8 or encoded by a polynucleotide of SEQ ID NO:5. Applicants have canceled claim 13 drawn to isolated nucleic acids that hybridize under stringent conditions to SEQ ID NO:5. Because the specification has provided the written description for the invention commensurate in scope with the amended claims, Applicants respectfully request that the written description rejections to claims 3-10, 13-16, and 19-20 under 35U.S.C. §112, first paragraph be withdrawn.

III. Rejections under 35 U.S.C. §112, first paragraph – enablement requirement

The Examiner rejected claims 3-10, 13-16, and 19-20 under 35U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Examiner stated that the specification is enabling for a nucleic acid of SEQ ID NO:5 or a nucleic acid encoding SEQ ID NO:8, and for a transgenic plant or plant cell transformed with a construct comprising a nucleic acid of SEQ ID NO:5 or a nucleic acid encoding SEQ ID NO:8 operably linked to a promoter in a sense orientation, said plant exhibiting increased tolerance to drought stress, and methods of making said plants and cells. However the Examiner noted that the specification does not

disclose other isolated nucleic acids that hybridize under stringent conditions to SEQ ID NO:5, or that encode polypeptides having at least 90% sequence identity with SEQ ID NO:8 that can be used to increase the tolerance of a plant transformed therewith to drought or cold stress. The Examiner also stated that the specification does not disclose how to use SEQ ID NO:5 to increase tolerance to environmental stresses other than drought stress. Applicants have amended and re-presented claims 3, 10, 14, 19, and 20 in new claims 29, 36, 40, and 43 to recite only the drought stress. Applicants would like to point out that it is well known in the art that 90% sequence identity is a relatively high homology standard. Without undue experimentation, a person skilled in the art would be able to select polynucleotides having at least 90% sequence identity to SEQ ID NO:5 (or encoding a polypeptide having at least 90% sequence identity to SEQ ID NO:8) that would retain the function of a CCSRP (e.g., a protein as defined in SEQ ID NO:8) by analyzing the sequences utilizing the information disclosed in the specification, such as the "conservative amino acid substitution" technique described in paragraph [0058] of page 19. By further performing the routine screening assay as described in the specification, such as Example 7, a person skilled in the art would know which polynucleotides having at least 90% sequence identity to SEQ ID NO:5 (or encoding a polypeptide having at least 90% sequence identity to SEQ ID NO:8) would confer stress tolerance to a plant upon transformation. As discussed above in the written description requirement section, Applicants have canceled claim 13 drawn to isolated nucleic acids that hybridize under stringent conditions to SEQ ID NO:5. Because the specification has provided the enablement description for the invention commensurate in scope with the amended claims, Applicants respectfully request that the enablement rejections to claims 3-10, 13-16, and 19-20 under 35U.S.C. §112, first paragraph be withdrawn.

In light of the amendments and arguments presented herein, Applicants submit that all the rejections contained in the Office Action, dated February 3, 2006, have been overcome. Should the Examiner wish to discuss the application further, the Examiner is invited to telephone the undersigned. If any additional fees are due with respect to this submission, authorization is hereby given to charge such fees, or to credit any overpayment, to Deposit Account No. 02-1197.

Respectfully submitted,

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